

**REMARKS**

Claims 18, 19, 21 to 25 and 27 are now pending.

Reconsideration is respectfully requested based on the following.

Claims 18, 19, 23 and 25 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,880,777 (the “Savoye” reference.)

As regards the anticipation rejections, to reject a claim under 35 U.S.C. § 102, the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (*See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). As explained herein, it is respectfully submitted that the prior Office Action does not meet this standard, for example, as to all of the features of the claims. Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter. (*See Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

As further regards the anticipation rejections, to the extent that the Final Office Action may be relying on the inherency doctrine, it is respectfully submitted that to rely on inherency, the Office must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics *necessarily* flows from the teachings of the applied art.” (*See* M.P.E.P. § 2112; emphasis in original; and *see Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int’f. 1990)). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherency of that result or characteristic.

It is respectfully submitted that the “Savoye” reference does not identically disclose (or even suggest) the feature of “at least one ***control unit*** which controls configuration of at least one of the first system component and the second system component while the system is operating, the least one control unit ***using information from at least one information-providing system component***” of claim 18. As is provided in the context of the claim, the *at least one first system component* is one “which collects information about the environment of the system,” namely the at least one first system component.

The Final Office Action asserts that the imagers 16a – 16n of the “Savoye” reference are equivalent with “at least one first system component” while “the timing controller 22 in conjunction with user controller 32” of the “Savoye” reference is the equivalent of “at least

one *control unit*.” However, even with such an interpretation, the feature of “at least one *control unit . . . using information from at least one information-providing system component*” is not identically disclosed, or even suggested.

In fact, “[o]ne example timing controller in accordance with the invention consists of a programmable logic device that embodies a *control state machine* for synchronizing image integration, image signal readout, analog processing”, where the “timing controller 22 operates based on control signals provided by the user controller 32, which can consist of a personal computer, customized hardware, or other suitable configuration.” (Savoye reference, column 33, lines 20 to 27).

Thus, the “information-providing system component” which is the “at least one first system component” that the Office Action alleges to be equivalent with imagers 16a – 16n of the “Savoye” reference, *is not used*. Instead, the Savoye” reference uses a *control state machine* and relies on *control signals provided by the user controller 32*, which consist of *personal computer, customized hardware*, and the like. Accordingly, claim 18, is allowable.

Claims 19, 21 to 25 and 27 depend from claim 18, and are therefore allowable for at least the same reasons as claim 18.

In summary, all of pending claims 18, 19, 21 to 25 and 27 are allowable.

### CONCLUSION

In view of the foregoing, claims 18, 19, 21 to 25 and 27 are allowable. It is therefore respectfully requested that the rejections (and any objections) be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

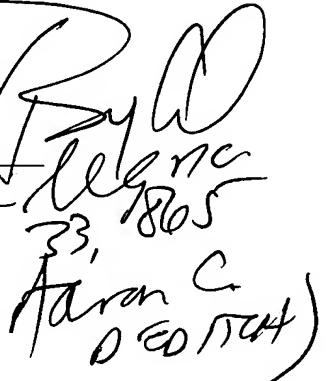
Respectfully submitted,

KENYON & KENYON LLP

Dated: 1/14/2008

By: 

Gerard A. Messina  
(Reg. No. 35,952)  
One Broadway  
New York, NY 10004  
(212) 425-7200



CUSTOMER NO. 26646